

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

ANDREW PERRONG, individually and on behalf of all others similarly situated,	:	Civil File No. 22-cv-23
Plaintiff,	:	
	:	
	:	
	:	
v.	:	
	:	
PERS GROUP LLC and STATEWIDE MONITORING CORP.	:	
	:	
Defendants.	:	

MOTION FOR CLERK’S ENTRY OF DEFAULT AGAINST PERS GROUP LLC

COMES NOW Plaintiff, pursuant to Fed. R. Civ. P. 55(a), hereby files this Motion for Clerk’s Entry of Default against PERS Group LLC (“Defendant”) in the above-styled action. Mr. Perrong respectfully requests that the Clerk of Court enter default as the Defendant has failed to serve or file an answer to Plaintiff’s claims in this action within the time permitted by law or otherwise.

Federal Rule of Civil Procedure 12(a), entitled “Time to Serve a Responsive Pleading,” provides in pertinent part that “[a] defendant must serve an answer within 21 days after being served with the summons and complaint.” See Fed. R. Civ. P. 12(a)(1)(A)(i). Federal Rule of Civil Procedure 55(a), entitled “Entering a Default,” provides that “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.” See Fed. R. Civ. P. 55(a) (emphasis added).

Here, the Plaintiff served his complaint on PERS Group LLC on January 24, 2022, with a responsive pleading due February 14, 2022. *See* ECF No. 8. However, the Defendant did not file a responsive pleading. Accordingly, the Plaintiff requests that the Clerk enter the Defendant's default pursuant to Fed. R. Civ. P. 55(a).

CONCLUSION

WHEREFORE, for the reasons set forth herein, the Plaintiff respectfully requests that the Clerk of Court enter default against Defendant pursuant to Fed. R. Civ. P. 55(a).

Dated: July 18, 2022

PLAINTIFF,
By his attorney,

/s/ Anthony I. Paronich
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Pro Hac Vice

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on this July 18, 2022 on all counsel of record via the Court's CM/ECF system and a copy sent to counsel for the Defendants that are subject to the potential default.

/s/ Anthony I. Paronich